

### **REMARKS**

The present application includes pending claims 1-31, all of which have been rejected. By this Amendment, claims 1, 3, 9, 11, 13, 19, 21, 23, and 29 have been amended as set forth above. The Applicants respectfully submit that the claims define patentable subject matter.

The specification was objected to because certain recitations of applications that were incorporated by reference did not include the U.S. Patent Application Numbers. The Applicants have amended the specification as set forth above to overcome this objection.

Claims 3, 9, 13, 23, and 29 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Applicants have amended these claims to overcome this rejection.

Claims 1-5, 8-15, 18-25, and 28-31 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Application Publication 2003/0158928 ("Knox"). Claims 6-7, 16-17, and 26-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knox in view of United States Patent No. 2004/0064575 ("Rasheed"). The Applicants respectfully traverse these rejections at least for the reasons set forth below.

The Applicants first turn to the rejection of claims 1-5, 8-15, 18-25, and 28-31 as being anticipated by Knox. Knox discloses "[s]erver systems having distributed file systems that provide services for loading, staging, distributing and delivering streamed media content." See Knox at Abstract.

Knox discloses the use of configured profiles for file transfer.

When determining the number of replicated files to make, as well as where these replicated files are to be located, the systems described herein may employ a **profile** that is set up for each file uploaded by the customer. The profile may have **predetermined characteristics** wherein the selected predetermined characteristics for each file turns on the price or selected quality of service the customer has chosen for that file, or for their services in general. Thus a customer wanting maximum service from the systems described herein may have a profile that indicates a high number of replicated files to be created and these files are to be distributed across the network including onto servers that are part of third party customer distribution networks (CDN), such as the Akamai network.

Knox at Paragraph [0046]. In general, Knox discloses profiles used for various file types that are configured before each individual file is chosen. While files are distributed based on the pre-configured profile, Knox does not teach or suggest "causing a display of a plurality of quality of service options corresponding to at least one media file for selection by a remote user" and "receiving a quality of service selection specifying at least one of said plurality of quality of service option," as recited in the claims of the present application, as amended.

As indicated above, the profile includes “predetermined characteristics.” The profile is a general set of characteristics that apply to files uploaded subsequent to configuration of the profile.

Based on the profile, user information, and perhaps historical data of earlier similar requests and achieved performance, the server may select the best node to serve the client from, and will generate a redirection link directing the client to make a request to the location best suited to server that customer. Thus, the client should receive service according to the profile selected by the customer website.

*Id.* at Paragraph [0047]. Knox discloses profiles that are configured before selection of files. That is, a user configures a preferred profile before selecting particular files. The pre-configured profile is then applied to subsequently-selected files. Knox does not, however, teach or suggest “causing a display of a plurality of quality of service options corresponding to at least one media file for selection by a remote user” and “receiving a quality of service selection specifying at least one of said plurality of quality of service option,” as recited in the claims of the present application, as amended.

Knox also states that “the host can offer clients the right to purchase hosting services that have different prices for different subscribed or delivered quality of service.” *See id.* at Paragraph [0050]. While Knox notes that the host can offer clients the right to purchase hosting services, Knox does not teach or

suggest “causing a display of a plurality of quality of service options corresponding to at least one media file for selection by a remote user” and “receiving a quality of service selection specifying at least one of said plurality of quality of service option,” as recited in the claims of the present application, as amended.

With respect to claims 5, 15, and 25, the Applicants respectfully submit that Knox does not teach or suggest “transfer via at least one of a media guide, channel guide and a device guide.” The Office Action cites Figures 7-9 and Paragraph [0048] to support rejection of these claims. Figures 4-9 of Knox illustrate “user interface screens provided by the system of FIG. 1 for allowing a user to manage content on a website.” See Knox at Paragraph [0024]. Figure 7 of Knox illustrates a “Destination Directory:/airplane”, which shows filename, size, date, title/author/copyright, and file type. Figure 8 shows a similar directory, while Figure 9 seemingly shows specifics of the file. These Figures, however, do not disclose “transfer via at least one of a media guide, channel guide and a device guide.”

The Applicants next turn to the rejection of claims 6-7, 16-17, and 26-27 as being unpatentable over Knox in view of Rasheed. The Applicants respectfully submit that the combination of Knox and Rasheed does not render these claims unpatentable at least for the reasons discussed above.

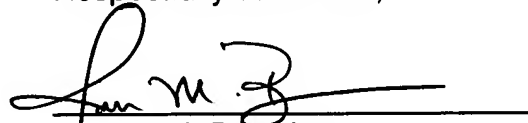
The Applicants respectfully submit that the claims of the present application should be in condition for allowance at least for the reasons

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discussed above and request reconsideration of the claim rejections. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe M. Butscher", is written over a horizontal line.

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